

Joint Governance Committee 29 September 2015 Agenda Item 11

Ward: N/A

Local Government Ombudsman's Annual Review 2015

Report by the Director for Customer Services

1.0 Summary

1.1 This report reviews the Annual Review letters of the Local Government Ombudsman (LGO) relating to Adur District Council and Worthing Borough Council for the year ended 31 March 2015 and also provides further analysis on other complaints which the LGO has received as part of the new reporting year 2015/16 since March 2015.

2.0 Background

- 2.1 The Commission for Local Administration in England was created by Part 3 of the Local Government Act 1974 to run the Local Government Ombudsman Service.
- 2.2 The Local Government Ombudsman investigates complaints by members of the public who, generally, have had complaints considered by the Local Authority, but still consider that they have been caused injustice by the administrative actions of Local Authorities and other bodies within the jurisdiction of the LGO.
- 2.3 The LGO provide a free, independent and impartial service. When they receive a complaint, they are on the side of neither the complainant nor the respondent Authority. In each case, they investigate whether there has been any administrative fault that has caused a personal injustice to the complainant.
- 2.4 If the LGO find that something has gone wrong and that a person has suffered as a consequence, they aim to get it put right with a satisfactory remedy. The remedy will depend on the circumstances of the complaint and, in some cases, the Authority will be asked to pay compensation.
- 2.5 The LGO received 9 complaints about Adur District Council for the year ended 31 March 2015 compared with 11 for the year ended 31 March 2014. A copy of the LGO's letter is appended to the report as Appendix 1.
- 2.6 Members have historically asked to have comparative information and Table 1 provides the total number of complaints received by the Local Government Ombudsman in relation to Adur District Council over the past 6 years.

Table 1

Enquiries and Complaints Received	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Total	11	12	11	12	11	9

- 2.7 The LGO received 23 complaints about Worthing Borough Council for the year ended 31 March 2015 compared with 18 for the year ended 31 March 2014. A copy of the LGO's letter is appended to the report as Appendix 2.
- 2.8 The comparative information relating to Worthing Borough Council is set out in Table 2 below.

2.9 Table 2

Enquiries and Complaints Received	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Total	16	20	24	16	18	23

2.10 An analysis of these complaints, where information was available, was previously provided to the Committee at its meeting in March 2015.

3.0 Analysis of Complaints for 2015/16

- 3.1 Increased scrutiny and analysis of complaints continues, to ensure that the available complaints data is accurate. Complaints information is currently recorded on the complaints monitoring system, Covalent, but a new digital complaints recording system is currently being developed which will provide even more accurate complaints data when it is introduced later in 2015, as well as streamlining the complaints handling process.
- 3.2 It is anticipated that the new digital complaints recording system will be fully operational by the end of 2015.
- 3.3 The Committee has previously requested further analysis on the LGO complaints and as part of this it received a report to its meeting on 24 March 2015 which provided an analysis of those Local Government Ombudsman complaints received between August 2014 and March 2015. At the time of writing that report one complaint against Worthing Borough Council was still pending a decision from the LGO. Since the report, that complaint, which claimed that the Council had failed to follow procedures when terminating the complainants allotments tenancy, has now been resolved and has not been upheld.

3.4 For this report, an analysis of LGO complaints information from March 2015 is provided which is showing that for Adur District Council there was 1 referral and this was not upheld and for Worthing Borough Council there were 4 referrals, 1 which was not upheld and 3 decisions are pending:-

Description of complaint	LGO Decision
Adur District Council Complaint that the Council failed to properly consider a lawful development certificate	Insufficient evidence of fault by the Council - Not upheld.
Worthing Borough Council	
Complaint that the Council charged double fees for a new grave.	No evidence of fault by the Council - Not upheld.
Complaint that the Council overlooked the complainant's application for the tenancy of a flat and offered it to someone else.	Decision pending.
Complaint that the Council failed to assist the complainant when he faced homelessness.	Decision pending.
Complaint that the Council twice delayed validating a planning application for development of the site which the complainant owns.	Decision pending.

3.5 The Service areas which have been generating the recorded LGO complaints during the previous 18 months are broken down as follows:-

Housing Services	3
Environmental Health	2
Planning	4
Revenues & Benefits	3
Democratic Services	1
Parks & Foreshore	2

3.6 As part of the ongoing training for staff, the Director for Customer Services arranged for the Local Government Ombudsman Office to provide complaints handling and service improvement training to senior officers across the organisation in June 2015. A copy of the training slides are attached as an appendix to this report.

4.0 Proposals

4.1 That the Committee notes the contents of the report and agrees to receive a further report in March 2016 analysing the next batch of Local Government Ombudsman complaints which are received.

5.0 Legal

- 5.1 The role of the Local Government Ombudsman is governed by Part 3 of the Local Government Act 1974.
- 5.2 Section 111 of the Local Government Act 1972 allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

6.0 Financial implications

6.1 There are no financial implications arising from this report.

7.0 Recommendation

7.1 That the Committee notes the contents of the report and agrees to receive a further analysis of Local Government Ombudsman complaints in March 2016.

Local Government Act 1972 Background Papers:

Local Government Ombudsman Annual Reviews, Worthing Borough Council for the year ended 31 March 2015

Local Government Ombudsman Annual Reviews, Adur District Council for the year ended 31 March 2015

Contact Officer:

Mark Lowe Policy Officer Tel 01903 221009 mark.lowe@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered and no issues identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered and no issues identified.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

6.1 Matter considered and no issues identified.

7.0 Reputation

7.1 Responding in a timely and open manner to investigations by the Local Government Ombudsman assists the Council to improve their service, service delivery and reputation.

8.0 Consultations

8.1 Matter considered and no issues identified.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

OMBUDSMAN

18 June 2015

By email

Mr Alex Bailey Chief Executive Adur District Council

Dear Mr Bailey

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found <u>here</u> and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found <u>here</u>.

Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found <u>here</u>. That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely

, and Mantz

Dr Jane Martin Local Government Ombudsman Chair, Commission for Local Administration in England

Local authority report – Adur District Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/

Complaints and enquiries received

	Local Authority	Adult Care Services		and other services	and children's	Environmental services and public protection	Highways and transport		Planning and development	Total
Adur DC 0 6 0 0 0 0 2 1			6		0	0	0	2	1	

Decisions made

	Detailed investiga	tions carried out					
Local Authority	Upheld	Not Upheld		Closed after initial enquiries		Referred back for local resolution	Total
Adur DC	2	3	1	0	1	4	11

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For the period ending – 31/03/2015

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Complaints and enquiries received

	Adult Care Services	tax	and other	and children's	Environmental services and public protection	Highways and transport		Planning and development	Total
Worthing BC	0	5	2	0	2	4	6	4	23

Decisions made

	Detailed investigations carried out						
Local Authority	Upheld	Not Upheld		Closed after initial enquiries		Referred back for local resolution	Total
Worthing BC	2	4	0	5	0	11	22

Adur DC Complaints received in period (Apr 2014 - Mar 2015)

	Ref	Authority	Category	Received Date
1	14002584	Adur DC	Benefits & Tax	14/May/2014
2	14001797	Adur DC	Benefits & Tax	27/May/2014
3	14004259	Adur DC	Benefits & Tax	13/Jun/2014
4	14008577	Adur DC	Planning & Development	21/Aug/2014
5	14009060	Adur DC	Housing	01/Sep/2014
6	14013761	Adur DC	Benefits & Tax	18/Nov/2014
7	14018497	Adur DC	Housing	20/Feb/2015
8	14020128	Adur DC	Benefits & Tax	18/Mar/2015
9	14020271	Adur DC	Benefits & Tax	19/Mar/2015

Adur DC Decisions made in period (Apr 2014 - Mar 2015)

	Ref	Authority	Category	Decision date	Decision
1	13009541	Adur DC	Adult Care Services	01/Apr/2014	Upheld
2	14002584	Adur DC	Benefits & Tax	14/May/2014	Referred back for local resolution
3	13011018	Adur DC	Environmental Services & Public Protection & Regulation	09/Jun/2014	Not Upheld
4	13012094	Adur DC	Housing	16/Jun/2014	Not Upheld
5	14008577	Adur DC	Planning & Development	21/Aug/2014	Incomplete/Invalid
6	14009060	Adur DC	Housing	01/Sep/2014	Referred back for local resolution
7	14004259	Adur DC	Benefits & Tax	19/Sep/2014	Not Upheld
8	14001797	Adur DC	Benefits & Tax	10/Nov/2014	Upheld
9	14013761	Adur DC	Benefits & Tax	18/Nov/2014	Referred back for local resolution
10	14018497	Adur DC	Housing	20/Feb/2015	Advice given
11	14020271	Adur DC	Benefits & Tax	19/Mar/2015	Referred back for local resolution

Worthing BC Complaints received in period (Apr 2014 - Mar 2015)

	Ref	Authority	Category	Received Date
1	14000502	Worthing BC	Planning & Development	10/Apr/2014
2	14000950	Worthing BC	Benefits & Tax	16/Apr/2014
3	14001308	Worthing BC	Benefits & Tax	24/Apr/2014
4	14002342	Worthing BC	Benefits & Tax	12/May/2014
5	14002329	Worthing BC	Environmental Services & Public Protection & Regulation	12/May/2014
6	14002445	Worthing BC	Highways & Transport	13/May/2014
7	14005111	Worthing BC	Environmental Services & Public Protection & Regulation	27/Jun/2014
3	14005843	Worthing BC	Corporate & Other Services	09/Jul/2014
)	14002910	Worthing BC	Planning & Development	17/Jul/2014
0	14005909	Worthing BC	Benefits & Tax	21/Aug/2014
1	14009057	Worthing BC	Housing	01/Sep/2014
12	14010493	Worthing BC	Corporate & Other Services	03/Oct/2014
3	14011717	Worthing BC	Highways & Transport	14/Oct/2014
4	14014666	Worthing BC	Housing	05/Dec/2014
15	14014898	Worthing BC	Benefits & Tax	10/Dec/2014
6	14015014	Worthing BC	Housing	11/Dec/2014
7	14012262	Worthing BC	Housing	18/Dec/2014
8	14015584	Worthing BC	Planning & Development	24/Dec/2014
9	14017272	Worthing BC	Highways & Transport	30/Jan/2015
20	14017667	Worthing BC	Highways & Transport	06/Feb/2015
21	14017973	Worthing BC	Housing	11/Feb/2015
22	14019210	Worthing BC	Housing	04/Mar/2015
23	14014503	Worthing BC	Planning & Development	10/Mar/2015

Worthing BC Decisions made in period (Apr 2014 - Mar 2015)

	Ref	Authority	Category	Decision date	Decision
1	13021344	Worthing BC	Education & Childrens Services	07/Apr/2014	Closed after initial enquiries
2	14001308	Worthing BC	Benefits & Tax	24/Apr/2014	Referred back for local resolution
3	14000950	Worthing BC	Benefits & Tax	01/May/2014	Referred back for local resolution
4	14002445	Worthing BC	Highways & Transport	13/May/2014	Referred back for local resolution
5	14002329	Worthing BC	Environmental Services & Public Protection & Regulation	06/Jun/2014	Closed after initial enquiries
6	14005111	Worthing BC	Environmental Services & Public Protection & Regulation	27/Jun/2014	Referred back for local resolution
7	14002342	Worthing BC	Benefits & Tax	24/Jul/2014	Upheld
8	13021372	Worthing BC	Environmental Services & Public Protection & Regulation	31/Jul/2014	Not Upheld
9	14002910	Worthing BC	Planning & Development	12/Aug/2014	Referred back for local resolution
10	14009057	Worthing BC	Housing	01/Sep/2014	Referred back for local resolution
11	14005843	Worthing BC	Corporate & Other Services	06/Oct/2014	Not Upheld
12	14000502	Worthing BC	Planning & Development	03/Nov/2014	Not Upheld
13	14011717	Worthing BC	Highways & Transport	04/Nov/2014	Closed after initial enquiries
14	14014666	Worthing BC	Housing	05/Dec/2014	Referred back for local resolution
15	14015014	Worthing BC	Housing	11/Dec/2014	Referred back for local resolution
16	14014898	Worthing BC	Benefits & Tax	24/Dec/2014	Referred back for local resolution
17	14012262	Worthing BC	Housing	23/Jan/2015	Referred back for local resolution
18	14010493	Worthing BC	Corporate & Other Services	11/Feb/2015	Not Upheld
19	14017973	Worthing BC	Housing	11/Feb/2015	Referred back for local resolution
20	14017272	Worthing BC	Highways & Transport	18/Feb/2015	Closed after initial enquiries
21	14017667	Worthing BC	Highways & Transport	19/Feb/2015	Closed after initial enquiries
22	14005909	Worthing BC	Benefits & Tax	31/Mar/2015	Upheld

Local Government OMBUDSMAN

Training for Local Authorities

by the Local Government Ombudsman's office

Sussex Training Consortium, 2nd June 2015

Nicola Driver

Effective Complaint Handling

Local Government OMBUDSMAN

Who are we?

- Commission for Local Administration in England the Local Government Ombudsman
- > established in 1974
- > investigate complaints about 'maladministration' by local authorities causing injustice to complainants
- > about 100 investigators
- > receive about 10 000 enquiries a year advice given
- > about 10 500 complaints are forwarded for investigation

Learning outcomes

Contract Con

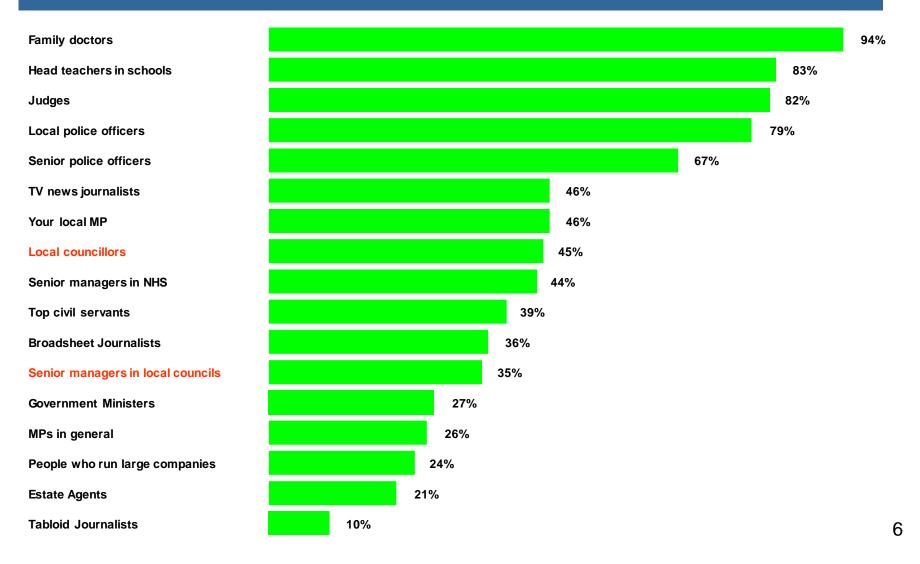
At the end of the course you will be able to.....

- > list five things that are important to people when they complain
- > describe the stages of the complaint handling process
- > accurately identify, define and summarise complaints
- > list five sources of evidence
- > investigate a complaint and reach evidence based conclusions
- > identify appropriate and proportionate remedies for injustice
- > write a comprehensive decision letter
- > explain how learning from complaints can be used to drive service improvements

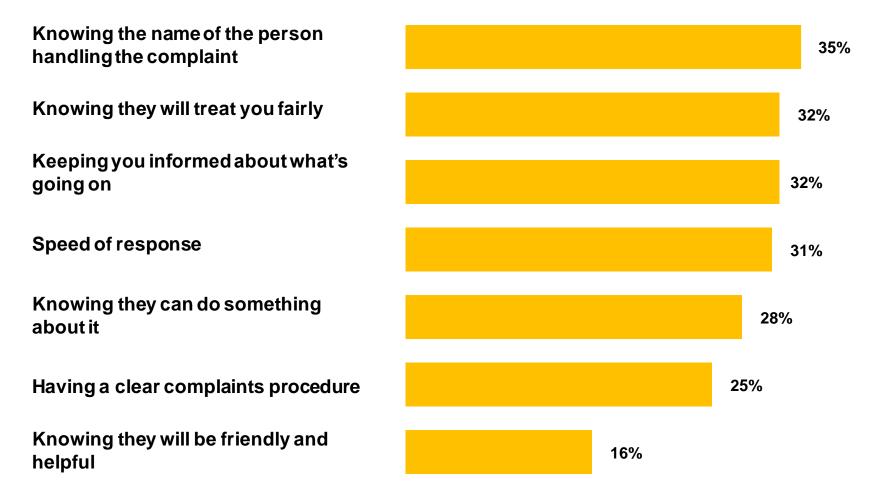
Customer care issues

OMBUDSMAN

Trust in professions to tell the truth



Most important factors when making a complaint

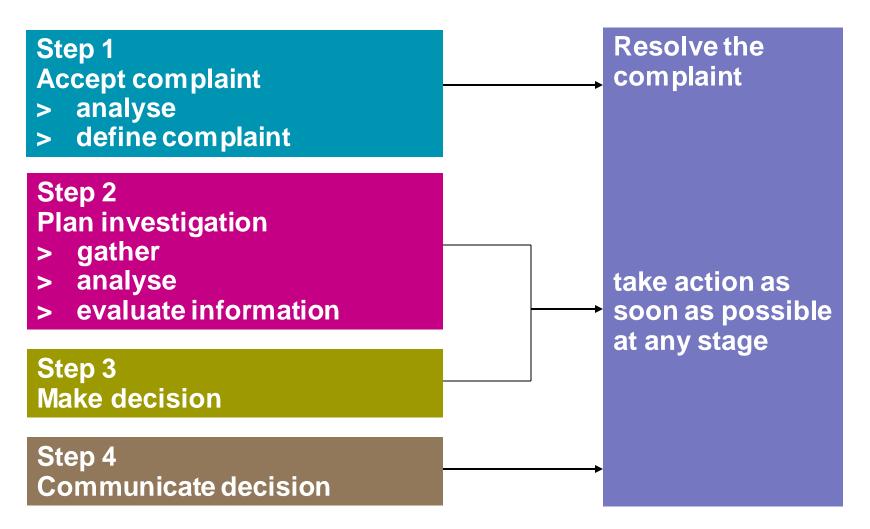


Investigating complaints

W/ WANY

Contract Con

Overview of the Complaint Process





Analyse and define

- > Is it a complaint?
- > Is it for me/us?
- > Any initial issues
- > Define:

what's gone wrong from complainant's viewpoint



The investigation

- > What is established fact
- > What is uncertain
- > What needs to be established
- > How
- > Sources of Information



Evaluating information

> Reliable

> Relevant

> Important

Case study

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And other distances

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 $C(n,k)a^{n-k}b^k = C(9,4)a^3b^4$

the coefficient of $x^2y^3z^4$ in the expansion of $(x + y + z)^9$.

 $(x + y + z)^{0} = (x + y + z)(x + y + z) \dots (x + y + z)$

- C(4, O)a⁴b⁰ + C(A, C)a²b¹ + C(4, Z)a²b¹

- C(4.0)(3x)*(-2y)* + C(4.1)(3x)*(-2y)*

 $= 3^4 x^4 + 4 \cdot 3^4 x^3 (-2y) + 6 \cdot 3^3 x^2 (-2)^2 y^2$

 $C(4, 0)(3x)^{2}(-2y)^{2} + C(4, 3)(3x)^{2}(-2y)^{2} + C(4, 3)(3x)^{2}(-2y)^{2}$

 $= 81x^{4} - 216x^{3}y + 216x^{2}y^{2} - 96xy^{2} + 16y^{4}.$

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tain $x^2 y^3 z^4$ each time we terms, and z chosen treat and me nine terms, we terms from three of the nine terms (0, 2) ways. Having made this selection, we terms house two terms for the $x \le in C(0, 2)$ ways. This teaves the remaining four terms to the $x \le in C(0, 3)$ ways.

seen from three of the $x \le in C(0, 2)$ ways. This leaves the remaining four terms to the $x \le in C(7, 3)$ ways. This leaves the remaining four terms to the $y \le in C(7, 3)$ ways. This leaves the remaining four terms to the $y \le in C(7, 3)$ ways.

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three terms for the $y \in in C(T, 3)$ ways. The metres me remaining here the coefficient of $x^2y^2z^4$ in the expansion of $(x + y + z)^4$ is

and the Property line

124-2112-64+612

And Discourse

S. 610.8

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except that the expression of the to take a = b = t, in which case

Example 6.7.8 >

T -11+

Equation (6.7.3) o n-element set X. Cin. constion (6.7.3) con Ta : we have reprov

Use Theorem f



Making a decision

- > Has there been some fault?
- > What effect has it had on the complainant?
- > What action does the authority need to take now?

Putting things right



Local Government OMBUDSMAN

Putting things right

- > if possible, put the complainant in the position they would have been in if the fault hadn't happened
- > focus not so much on what went wrong, more on what the consequences were
- > take account of the complainant's views, but exercise your own judgement

Contract Con

Putting things right

- > make the remedy appropriate and proportionate to the harm suffered
- > if specific action is needed, eg provision of a service, ensure the action is taken
- > if no other way to remedy, consider payment of money
- > if there is something to apologise for, do it

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Apologies and how not to do it

"The Committee has considered the Ombudsman's report and by 9 votes to 7 has resolved that I be instructed to offer you an apology. This letter constitutes that apology. However, I must warn you that if such circumstances recur I will not hesitate to act as I did before."



Putting things right

- > did the complainant contribute to the harm they suffered?
- > was the complainant put to a lot of time and trouble in pursuing their complaint?
- > do you need to change your practices? sometimes, people just want to know the same thing won't happen again

http://www.lgo.org.uk/publications/advice-andguidance/

Communicating decisions

Recommended ingredients of a decision letter

- > a statement/summary of the complaint
- > the steps you have taken to investigate
- > what you have taken into account e.g.
 - things the complainant has said
 - information/evidence you've obtained what, from whom (fact/opinion)
 - relevant authority policy
 - relevant law
 - your findings and reasons for them

Recommended ingredients of a decision letter

- > a decision on each point
- > if a remedy is to be provided, how, when, by whom
- if the complainant is not satisfied, how to take the complaint to the next stage.

Learning from complaints

Troubleshooting



Troubleshooting: dealing with common problems

- > how can this problem, or its effects on the investigation, be overcome?
- > can you prevent it from happening again if so, how?

Benefits of effective complaint handling



Benefits of effective complaint handling to your organisation

- > "free" market research, feedback
- > learn from mistakes service improvements
- > identify training needs
- > input to planning, policy and budget
- > build better relationships good PR
- > increased customer satisfaction
- > saves time, money better use of resources

Review

Learning outcomes

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At the end of the course you will be able to.....

- > list five things that are important to people when they complain
- > describe the stages of the complaint handling process
- > accurately identify, define and summarise complaints
- > list five sources of evidence
- > investigate a complaint and reach evidence based conclusions
- > identify appropriate and proportionate remedies for injustice
- > write a comprehensive decision letter
- > explain how learning from complaints can be used to drive service improvements

Any questions?



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